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FILED IN DISTRICT COURT

IN THE DISTRICT COURT OF OKLAHOMA COUNTY OKLAHOMA COUNTY
STATE OF OKLAHOMA

JUN - 7 2017

JANA M. TURK,

)

RICK WARREN
COURT CLERK

Plaintiff,

)

30 _____

v.

)

Case No. CJ-2017-1922

LYNN MARLENE FREEMAN, an Individual,
and DOWELL TRANSPORT, INC.,

)

an Arkansas Corporation,

)

Defendants.

)

**DEFENDANT DOWELL TRANSPORT, INC.'S
ANSWER TO PLAINTIFF'S FIRST AMENDED PETITION**

Defendant Dowell Transport, Inc. answers Plaintiff Jana M. Turk's *First Amended Petition* as follows:

1. This Defendant denies each and every material allegation of negligence and damages as set forth in Plaintiff's *First Amended Petition* and demands proof thereof.
2. This Defendant admits Dowell Transport, Inc. is an Arkansas motor carrier operating under U.S. DOT authority, U.S. DOT No. 68373. But, This Defendant does not have sufficient information to admit or deny any further allegations set forth in Paragraph 2 of Plaintiff's *First Amended Petition* and demands proof thereof.
3. This Defendant does not have sufficient information to admit or deny the allegations set forth in Paragraph 3 of Plaintiff's *First Amended Petition* and demands proof thereof.
4. This Defendant does not have sufficient information to admit or deny the allegations set forth in Paragraph 4 of Plaintiff's *First Amended Petition* and demands proof thereof.

Exhibit

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Affirmative Defenses

Defendant Dowell Transport, Inc. raises the following affirmative defenses:

First Affirmative Defense

Plaintiff's *First Amended Petition* fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Plaintiff's claims are barred by the statute of limitations.

Third Affirmative Defense

Plaintiff was negligent and such negligence on the part of Plaintiff proximately caused or contributed to the accident and Plaintiff's damages, if any, and such negligence on the part of the Plaintiff comparatively was greater than the negligence of this Defendant, and Plaintiff is therefore not entitled to recover herein.

Fourth Affirmative Defense

The accident was proximately caused by the negligence of a third party over whom this Defendant had no control and for whose acts this Defendant is not responsible.

Fifth Affirmative Defense

The accident was an unavoidable accident, casualty and misfortune which occurred without negligence on the part of this Defendant.

Sixth Affirmative Defense

This Defendant was confronted with a sudden emergency not brought about by Defendant's negligence and in reacting to that emergency, this Defendant acted as reasonable and prudent persons would have acted under such circumstances.

Seventh Affirmative Defense

This Defendant generally denies Plaintiff's claims for damages.

Eighth Affirmative Defense

The injuries complained of in Plaintiff's *First Amended Petition* are the result of pre-existing health problems that were neither caused or aggravated by this Defendant for which this Defendant is not liable.

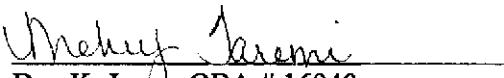
Ninth Affirmative Defense

Plaintiff's medical treatment and medical bills are not a reasonable and necessary result of the subject accident.

This Defendant reserves the right to amend this *Answer and Affirmative Defenses* as discovery is conducted in this case.

Defendant Dowell Transport, Inc. respectfully asks the Court that Plaintiff Jana M. Turk takes nothing by way of this suit.

Respectfully submitted,



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Attorneys for Defendant,
Dowell Transport, Inc.

CERTIFICATE OF SERVICE

I certify that on June 6, 2017 a true and correct copy of *Defendant Dowell Transport, Inc.'s Answer to Plaintiff's First Amended Petition* was emailed and sent Certified Mail, Return Receipt Requested via the U.S. Postal Service, with postage fully pre-paid to the following:

G. Robert Carpenter, Esq.
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